

Appln. No. 10/760,322  
Filed: January 16, 2004  
Amendment filed May 4, 2011  
Reply to Office action mailed January 4, 2011

### **AMENDMENTS TO THE DRAWINGS**

Applicants respectfully submit five New Drawing Sheets containing FIG. 7c, FIG. 7d, FIG. 7e, FIG. 7f, and FIG. 56d. Applicants respectfully submit that no new matter is added by FIG. 7c, FIG. 7d, FIG. 7e, FIG. 7f, and FIG. 56d, and that these new drawing sheets are in compliance with 37 C.F.R. §1.84 and 37 C.F.R. §1.121(d).

Attachment: five (5) New Drawing Sheets

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## **REMARKS**

Claims 22-39, 41-68, 70-79, 81, 83, and 85-88 are pending in the Application and all have been rejected in the final Office action mailed January 4, 2011. Claims 22, 26, 27, 45, 54, 56, and 57 are amended, claims 86-88 are cancelled, and new claims 89-91 are added by this response. Claims 22, 45, and 54 are independent claims, from which claims 23-39, 41-44, 74, 77, 81, 86, and 89, claims 46-53, 75, 78, 83, 87, and 90, and claims 55-68, 70-73, 76, 79, 85, 88, and 91 depend, respectively. Applicants respectfully request reconsideration of claims 22-39, 41-68, and 70-79, 81, 83, 85, and 89-91, in light of the remarks set forth below.

Initially, the Applicants note that a goal of patent examination is to provide a prompt and complete examination of a patent application.

It is **essential** that patent applicants obtain a prompt yet complete examination of their applications. Under the principles of compact prosecution, each claim should be reviewed for compliance with every statutory requirement for patentability in the initial review of the application, even if one or more claims are found to be deficient with respect to some statutory requirement. Thus, USPTO personnel should state all reasons and bases for rejecting claims in the first Office action. Deficiencies should be explained clearly, particularly when they serve as a basis for a rejection. Whenever practicable, USPTO personnel should indicate how rejections may be overcome and how problems may be resolved. **A failure to follow this approach can lead to unnecessary delays in the prosecution of the application.**

M.P.E.P. § 2106(II) (emphasis added).

As such, the Applicants assume, based on the goals of patent examination noted above, that the current Office Action sets forth “all reasons and bases” for rejecting the claims.

### **Objections to Drawings**

The Office objected to the drawings of the Application stating at page 2 of the instant Office action, in part, the following:

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "outgoing digital voice data is transmitted redundantly over the wireless packet network" (claims 22, 45, 54) and "at least one processor controls a level of one or both of the first voice stream and the second voice stream depending upon an amount of delay between transmission of the packets received via the wireless packet network and conversion of the incoming digital voice data to the second voice stream" (claims 86, 87, 88) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Applicants hereby submit accompanying new FIG. 7c, FIG. 7d, FIG. 7e, FIG. 7f, and FIG. 56d, and request that FIG. 7c, FIG. 7d, FIG. 7e, FIG. 7f, and FIG. 56d be entered in the Application.

Applicants respectfully submit that FIG. 7c illustrates an exemplary method of communicating information. Applicants respectfully submit that FIG. 7c merely conforms the drawings to the Specification, that support for FIG. 7c may be found, for example, at page 66 of the Application, and that FIG. 7c does not add new matter. Applicants respectfully submit that the objection to the drawings is overcome, and request that the objection to the drawings be reconsidered and withdrawn.

Applicants respectfully submit that FIG. 7d illustrates another exemplary method of communicating information. Applicants respectfully submit that FIG. 7d merely conforms the drawings to the Specification, that support for FIG. 7d may be found, for example, at page 66 of the Application, and that FIG. 7d does not add new matter. Applicants respectfully submit that the objection to the drawings is overcome, and request that the objection to the drawings be reconsidered and withdrawn.

Applicants respectfully submit that FIG. 7e illustrates an exemplary method of communicating information redundantly, in accordance with claims 22, 45, and 54. Applicants respectfully submit that FIG. 7e merely conforms the drawings to the Specification, that support for FIG. 7e may be found, for example, at page 66 of the Application, and that FIG. 7e does not add new matter. Applicants respectfully submit that the objection to the drawings is overcome, and request that the objection to the drawings be reconsidered and withdrawn.

Applicants respectfully submit that FIG. 7f illustrates another exemplary method of communicating information redundantly, in accordance with claims 22, 45, and 54. Applicants respectfully submit that FIG. 7f merely conforms the drawings to the Specification, that support for FIG. 7f may be found, for example, at page 66 of the Application, and that FIG. 7f does not add new matter. Applicants respectfully submit that the objection to the drawings is overcome, and request that the objection to the drawings be reconsidered and withdrawn.

Applicants respectfully submit that FIG. 56d illustrates a method of controlling levels of voice signals depending upon an amount of packet delivery delay, in accordance with claims 86, 87, and 88. Applicants respectfully submit that FIG. 56d merely conforms the drawings to the Specification, that support for FIG. 56d may be found, for example, at pages 258, 262, and 281-285 of the Application, and that FIG. 56d does not add new matter. Applicants respectfully submit that the objection to the drawings is overcome, and request that the objection to the drawings be reconsidered and withdrawn.

### **Amendments to the Claims**

Claims 22, 45, and 54 have been amended to recite aspects of their respective dependent claims 86, 87, and 88, to substitute the word "signal" for "stream," and to remove text that now appears as dependent claims 89-91. Applicants respectfully submit that support for the amendments to claims 22, 45, and 54 may be found, for

example, at pages 258, 262, and 281-285 of the Specification. Applicant respectfully submits that the amendments to claims 22, 45, and 54 do not add new matter.

Claims 26, 27, 56, and 57 have been amended to be consistent with their respective independent claims. Applicant respectfully submits that the amendments to claims 26, 27, 56, and 57 do not add new matter.

Claims 86, 87, and 88 have been cancelled.

### **Rejections of Claims**

Claims 86-88 stand rejected under 35 U.S.C. §112, first paragraph. Claims 22, 45, 54, 81, 83, 85, and 86-88 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hoppal, *et al.* (US 5, 737,331, hereinafter "Hoppal") in view of Kudo, *et al.* (US 5,148,429, hereinafter "Kudo"), Haoui, *et al.* (US 5,742,640, hereinafter "Haoui"), and Newton's Telecom Dictionary (8<sup>th</sup> Edition, 1994)(hereinafter "Newton's"). Claims 23, 24, 26, 30, 49, 55, 56, and 59 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hoppal, Kudo, Haoui, and Newton's, in view of Bertland (US 5,596,573). Claims 41 and 70 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hoppal, Kudo, Haoui, and Newton's, in view of Karban, *et al.* (US 4,376,874 (hereinafter "Karbon"). Claims 42-44 and 71-73 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hoppal, Kudo, Haoui, and Newton's, in view of Hayata (US 5,553,192). Claims 25, 31, 32, 36, 47, 48, 50, 60, 61, and 65 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hoppal, Kudo, Haoui, Newton's, and Bertland, and further in view of Dinkins (US 5,678,172). Claims 27, 28, 57, and 58 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hoppal, Kudo, Haoui, and Newton's, in view of Bergman (US 4,866,704). Claim 29 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hoppal, Kudo, Haoui, and Newton's, and Bergman, in view of Drynan, *et al.* (US 4,617,657, hereinafter "Drynan"). Claims 34, 35, 63, and 64 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hoppal, Kudo, Haoui, and Newton's, in view of Averbuch (US 5,268,933). Claims 33, 46, and 62 stand rejected under 35 U.S.C. §103(a) as being

unpatentable over Hoppal, Kudo, Haoui, and Newton's, in view of Smith, *et al.* (US 5,796,772, hereinafter "Smith"). Claims 37-39, 51-53, and 66-68 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hoppal, Kudo, Haoui, and Newton's, in view of Stein (US 5,628,055). Claims 74-79 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hoppal, Kudo, Haoui, and Newton's, in view of Li, *et al.* (US 5,617,423, hereinafter "Li"). Applicants respectfully traverse the rejections. Notwithstanding, Applicants have amended claims 22, 26, 27, 45, 54, 56, and 57, rendering the rejections of the Office action moot.

Applicants respectfully note that all of pending claims 22-39, 41-68, and 70-88 are rejected based on Hoppal, Kudo, Haoui, and Newton's, in various combinations with other references, as allegedly being obvious. Applicants first review requirements for a rejection based on obviousness.

Applicants first review requirements for a rejection based on obviousness. According to M.P.E.P. §2142, "[t]he examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness." M.P.E.P. §2142 further states that "[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious." As recognized in M.P.E.P. §2142, "[t]he Supreme Court in *KSR International Co. v. Teleflex Inc.*, 127 S. Ct. 1727 (2007), 82 USPQ2d 1385, 1396 noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit." In addition, the Federal Circuit has made clear that "rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). See also *KSR*, 127 S. Ct. 1727 (2007), 82 USPQ2d at 1396.

Also as noted in the Manual of Patent Examining Procedure, "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA)." See *id.*

Thus, the law is clear that words of a claim cannot be merely disregarded during examination. Instead, **all the words in a claim must be considered** during the examination process.

Applicants respectfully submit that the Office action has failed to establish a *prima facie* case of obviousness, in accordance with M.P.E.P. §2142. Applicants respectfully submit that the pending claims are allowable over the proposed combinations of references for the reasons set forth during prosecution, and those that follow.

#### **I. Claims 86-88 Are In Compliance With 35 U.S.C. §112, 1<sup>st</sup> Paragraph**

Claims 86-88 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Office action states, at page 3, in part:

The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It could not be found in the original specification "wherein the at least one processor controls a level of one or both of the first voice stream and the second voice stream depending upon an amount of delay between transmission of the packets received via the wireless packet network and conversion of the incoming digital voice data to the second voice stream."

Applicants respectfully submit that support for the subject matter of claims 86-88 may be found, for example, at pages 258, 262, and 281-285 of the Specification, and in FIG. 56d. For example, the Specification at pages 283-284 states, in part, "[i]f required queuing and delivery time delays prove too long, e.g., to a point where they might annoy a calling party, the control processing circuit 5609 can disable full duplex communication by selectively inhibiting the output of the D/A conversion circuit 5626 and the input of the A/D conversion circuit 5621 to provide communication connectivity



to only one speaker at a time, i.e., half duplex connectivity.” Applicants respectfully submit that “selectively inhibiting the output of [a] D/A conversion circuit” and “[an] input of [an] A/D conversion circuit” which are used to convert between digitized voice samples and a voice signal/voice stream in transmit and receive speech paths does, by way of example, control the levels of those voice signals/voice streams. Further, Applicants respectfully submit that Applicants’ disclosure of such an action being performed when “queuing and delivery delay proves too long” provides adequate support for the portion of Applicants’ claim that recites “depending upon an amount of delay between transmission of the packets received via the wireless packet network and conversion of the incoming digital voice data to the second voice stream.”

Therefore, for at least the reasons set forth above, Applicants respectfully submit that the subject matter of claims 86-88 is, in fact, described in the Specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time of the application was filed, had possession of the claimed invention, and that claims 86-88 are in compliance with 35 U.S.C. §112, first paragraph. Accordingly, Applicants respectfully request that the rejection of claims 86-88 under 35 U.S.C. §112, first paragraph, be reconsidered and withdrawn.

## **II. The Proposed Combination Of Hoppal, Kudo, Haoui, And Netwton’s Does Not Render Claims 22, 45, 54, 81, 83, 85, And 86-88 Unpatentable**

Claims 22, 45, 54, 81, 83, 85, and 86-88 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hoppal in view of Kudo, Haoui, and Newton’s. Applicants respectfully traverse the rejection.

**With regard to Applicants’ independent claim 22**, Applicants respectfully submit that claim 22 has been amended to include aspects of its dependent claim 86, so that claim 22 now recites, in part, “wherein the at least one processor controls a signal level of one or both of the first voice signal and the second voice signal depending upon an amount of delay between transmission of the packets received via the wireless packet network and conversion of the incoming digital voice data to the



second voice signal.” Claims 45 and 54 have also been amended so that they now recite features of claims 87 and 88 that are similar to those of amended claim 22. Applicants respectfully submit that the cited art does not teach, suggest, or disclose all aspects of Applicants’ amended claims 22, 45, and 54, and therefore does not render claims 22, 45, and 54, or any claims that depend therefrom, unpatentable.

Applicants respectfully submit that the Office rejected the features of claim 86 now recited by independent claim 22, at page 7 of the Office action, stating:

10. Re claim 86 (of claim 22), claim-87 (of claim 45), and claim 88 (of claim 54), Kudo further teaches that at least one processor controls a level of one or both of the first voice stream and the second voice stream (fluctuation absorption delay time, Kudo et al. Fig. 10 and c6 8-35) depending upon an amount of delay between transmission of the packets received via the wireless packet network and conversion of the incoming digital voice data to the second voice stream (deducing the fluctuation absorption delay time from the estimated packet transmission delay time, Kudo et al. c6 24-27).

Thus, the Office seemingly identifies Kudo at FIG. 10 and col. 6, lines 8-35 as teaching “at least one processor controls a level of one or both of the first voice stream and the second voice stream,” and Kudo at col. 6, lines 24-27 (which is included within the cited portion at col. 6, lines 8-35), as teaching “depending upon an amount of delay between transmission of the packets received via the wireless packet network and conversion of the incoming digital voice data to the second voice stream.” Applicants first address FIG. 10 of Kudo.

Kudo describes FIG. 10 as “...timing charts for explaining the operation of the embodiment of FIG. 9.” The Office does not explain how “fluctuation absorption delay time” teaches, suggests, or discloses Applicants’ claimed “at least one processor” that “controls a level of one or both of the first voice stream and the second voice stream,” nor does the Office explain how a “timing chart” teaches a level of a “voice stream.” Applicants respectfully submit that Applicants’ disclosure teaches that a “voice stream”

results from conversion, by a D/A circuit, of "digitized voice samples." *Id.* at pages 258, 262, and 281-285. Thus, Applicants' Specification discloses that in one embodiment, a "voice stream" may be an analog signal (i.e., the output of the digital to analog (D/A) converter circuit). While Applicant recognizes that limitations from the Specification are not brought into the claims during examination, Applicant respectfully notes that the claims are to be interpreted consistent with the Specification. Therefore, Applicants have clarified the language of claim 86 now recited by amended claims 22 so that it now recites "first voice signal" and "second voice signal." Applicants respectfully submit that the cited FIG. 10 does not teach, suggest, or disclose "control[ling] a level of one or both of the first voice stream and the second voice stream," let alone "control[ling] a signal level of one or both of the first voice signal and the second voice signal," as now recited by claim 22. Applicant now addresses Kudo at col. 6, lines 8-35, which encompasses the cited portion of Kudo at col. 6, lines 24-27. Applicants have reproduced Kudo at col. 6, lines 8-35, below:

On the signal reception side of the voice terminal interface of FIG. 9, the packet disassembler 12 receives a packet signal from the data bus BUS4 if the received packet signal is destined for its own address, deletes the head H from the received packet signal and writes it in the memory 14. At this stage, the received packet signal from the data bus BUS4 has the fluctuation delay shown in FIG. 10, (B). A controller 131 monitors the packet signal received at the packet disassembles 12 and estimates a fluctuation absorption delay time for absorbing the fluctuations on the basis of transmission delay times between the head part packets in the received signal. For example, when delay times  $\alpha$  and  $\beta$  occur between the head part packets "A", "B", and "C", the controller 131 estimates a packet transmission delay time between voice packets due to a line load on the basis of an average value  $(\alpha + \beta)/2$ , and deduces a fluctuation absorbing delay time for the voice packets from the estimated packet transmission delay time. The controller 131 sends the decoding command signal 19 to the decoder 15 to insert a head part restoration packet corresponding to the deduced fluctuation absorbing time in the received signal. As shown in FIG. 10, a head part packet "C" is

inserted immediately in front of the voice packet "1" to be used as a decoded output, as shown in (C). This enables the absorption of the fluctuation delays between the voice packets and thus the prevention of a head-part truncated voice signal.

As is evident above, the cited portion of Kudo shown above explains that a "controller 131" monitors the "packet signal" received at the "packet disassembler 12," and estimates a "fluctuation absorption delay time" for "absorbing the fluctuations on the basis of transmission delay times between the head part packets in the received signal." Kudo teaches that "fluctuations" are fluctuations in "transmission delay." *Id.* at col. 3, lines 19-21. The portion of Kudo shown above also teaches that the "controller 131" estimates a "packet transmission delay time" between "voice packets" due to a "line load," and deduces a "fluctuation absorbing delay time" for the "voice packets" from the "estimated packet transmission delay time." In addition, Kudo teaches that the "controller 131" sends a "decoding command signal 19" to the "decoder 15" to insert a "head part restoration packet" corresponding to the deduced "fluctuation absorbing [delay] time" in the "received signal." Kudo states that "[t]his enables the absorption of the fluctuation delays between the voice packets and thus the prevention of a head-part truncated voice signal."

Thus, Kudo at col. 6, lines 8-35 teaches the "controller 131" "monitoring," "estimating," "deducing," and "sending," but fails to make any mention of the "controller 131" controlling anything, let alone a "level" of "one or both of the first voice stream and the second voice stream," further let alone "a signal level of one or both of the first voice signal and the second voice signal," as now recited by amended claim 22. Kudo teaches estimating, but not controlling, the "fluctuation absorption delay time." Kudo teaches estimating, but not controlling, "packet transmission delay time." Kudo teaches deducing, but not controlling, a "fluctuation absorbing delay time." Kudo teaches sending a "decoding command signal 19" to cause "decoder 15" to insert a "head part restoration packet" in the "received signal." Applicants respectfully submit that the

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Office fails to provide any explanation of how the cited art is being interpreted as teaching what is alleged, ignoring the requirements of M.P.E.P. §2142, and instead offers only text copied from Applicants' claim, citations to Kudo, and cryptic references to "fluctuation absorption delay time" and "deducing the fluctuation absorption delay time from the estimated packet transmission delay time."

For at least the reasons set forth above, Applicants respectfully submit that the Office has not demonstrated that Kudo teaches all aspects of Applicants' amended claim 22. Further, Applicants respectfully submit that the Office does not assert that any of the remaining art provides any support for the rejection of the features of claim 86 now part of claim 22. Because the Office does not identify relevant portions of any of the remaining art, and Applicants have now shown that Kudo does not teach, suggest, or disclose the subject matter of claim 86 now recited by claim 22, it necessarily follows that the Office has not shown that any of the cited art teaches, suggest, or discloses all aspects of claim 86, now recited by claim 22. That is, Applicants respectfully submit that the cited art does not teach, suggest, or disclose, at least, "wherein the at least one processor controls a signal level of one or both of the first voice signal and the second voice signal depending upon an amount of delay between transmission of the packets received via the wireless packet network and conversion of the incoming digital voice data to the second voice signal." Therefore, Applicants respectfully submit that amended claim 22 is allowable over the cited art, for at least the reasons set forth above.

**With regard to independent claims 45 and 54,** Applicants respectfully submit that claims 45 and 54 now respectively recite features of claims 87 and 88 similar to those of claim 86 now recited by amended claim 22, and that claims 87 and 88 were rejected over the same art for the same reasons as claim 86. Therefore, Applicants respectfully submit that amended claims 45 and 54 are also allowable over the cited art for at least the reasons set forth above.

Based at least upon the above, Applicants respectfully submit that the combination of art proposed by the Office does not support a *prima facie* case of

obviousness, as required by M.P.E.P. §2142, that the cited art does not render claims 22, 45, and 54 unpatentable, and that claims 22, 45, and 54, and any claims that depend therefrom, are allowable over the proposed combination of references. Accordingly, Applicants respectfully request that the rejection of claims 22, 45, 54, 81, 83, 85, and 86-88 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

### **III. The Proposed Combination Of Hoppal, Kudo, Haoui, Newton's, And Bertland Does Not Render Claims 23, 24, 26, 30, 41, 49, 55, 56, 59, And 70 Unpatentable**

Claims 23, 24, 26, 30, 49, 55, 56, and 59 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hoppal, Kudo, Haoui, and Newton's, in view of Bertland. Applicants respectfully traverse the rejection. Applicants respectfully submit that claims 23, 24, 26, 30, 41, and 74, claim 49, and claims 55, 56, 59, and 70 depend, respectively, from claims 22, 45, and 54. Applicants respectfully submit that claims 22, 45, and 54 are allowable over the cited art, in that the Office has not asserted that Bertland remedies the shortcomings of Hoppal, Kudo, Haoui, and Newton's demonstrated above. Because claims 22, 45, and 54 are allowable over the proposed combination of references, Applicants respectfully submit that claims 23, 24, 26, 30, 41, 49, 55, 56, 59, and 70 that depend therefrom are also allowable, for at least the same reasons. Based at least upon the above, Applicants respectfully submit that claims 23, 24, 26, 30, 41, 49, 55, 56, 59, and 70 are allowable at least for the reason that they are dependent from allowable claims 22, 45, and 54. Accordingly, Applicants respectfully request that the rejection of claims 23, 24, 26, 30, 41, 49, 55, 56, 59, and 70 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

### **IV. The Proposed Combination Of Hoppal, Kudo, Haoui, Newton's, And Karban Does Not Render Claims 41 And 70 Unpatentable**

Claims 41 and 70 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hoppal, Kudo, Haoui, and Newton's, in view of Karban. Applicants respectfully traverse the rejection. Applicants respectfully submit that claims 41 and 70 depend

directly or indirectly from independent claims 22 and 54, respectively. Applicants further respectfully submit that claims 22 and 54 are allowable over the cited art, in that the Office has not asserted that Karban remedies the shortcomings of the proposed combination of Hoppal, Kudo, Haoui, and Newton's demonstrated above. Because claims 22 and 54 are allowable over the proposed combination of references, Applicants respectfully submit that claims 41 and 70 that depend therefrom are also allowable, for at least the same reasons. Accordingly, Applicants respectfully request that the rejection of claims 41 and 70 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

**V. The Proposed Combination Of Hoppal, Kudo, Haoui, Newton's, And Hayata Does Not Render Claims 42-44 And 71-73 Unpatentable**

Claims 42-44 and 71-73 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hoppal, Kudo, Haoui, and Newton's, in view of Hayata. Applicants respectfully traverse the rejection. Applicants respectfully submit that claims 42-44 and 71-73 depend directly or indirectly from independent claims 22 and 54, respectively. Applicants further respectfully submit that claims 22 and 54 are allowable over the cited art, in that the Office has not asserted that Hayata remedies the shortcomings of the proposed combination of Hoppal, Kudo, Haoui, and Newton's demonstrated above. Because claims 22 and 54 are allowable over the proposed combination of references, Applicants respectfully submit that claims 42-44 and 71-73 that depend therefrom are also allowable, for at least the same reasons. Accordingly, Applicants respectfully request that the rejection of claims 42-44 and 71-73 under 35 U.S.C. §103(a) be reconsidered and withdrawn.



**VI. The Proposed Combination Of Hoppal, Kudo, Haoui, Newton's, Bertland, And Dinkins Does Not Render Claims 25, 31, 32, 36, 47, 48, 50, 60, 61, And 65 Unpatentable**

Claims 25, 31, 32, 36, 47, 48, 50, 60, 61, and 65 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hoppal, Kudo, Haoui, Newton's, and Bertland, in view of Dinkins. Applicants respectfully traverse the rejection. Applicants respectfully submit that claims 25, 31, 32, and 36, claims 47, 48, and 50, and claims 60, 61, and 65 depend directly or indirectly from independent claims 22, 45, and 54, respectively. Applicants respectfully submit that claims 22, 45, and 54 are allowable over the cited art, in that the Office has not asserted that the Bertland and Dinkins references, taken alone or in combination, remedy the shortcomings of the proposed combination of Hoppal, Kudo, Haoui, and Newton's demonstrated above. Because claims 22, 45, and 54 are allowable over the proposed combination of references, Applicants respectfully submit that claims 25, 31, 32, 36, 47, 48, 50, 60, 61, and 65 that depend therefrom are also allowable, for at least the same reasons. Accordingly, Applicants respectfully request that the rejection of claims 25, 31, 32, 36, 47, 48, 50, 60, 61, and 65 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

**VII. The Proposed Combination Of Hoppal, Kudo, Haoui, Newton's, And Bergman Does not Render Claims 27, 28, 57, And 58 Unpatentable**

Claims 27, 28, 57, and 58 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hoppal, Kudo, Haoui, and Newton's, in view of Bergman. Applicants respectfully traverse the rejection. Applicants respectfully submit that claims 27 and 28 and claims 57 and 58 depend directly or indirectly from independent claims 22 and 54, respectively. Applicants respectfully submit that claims 22 and 54 are allowable over the cited art, in that the Office has not asserted that Bergman remedies the shortcomings of the proposed combination of Hoppal, Kudo, Haoui, and Newton's demonstrated above. Because claims 22 and 54 are allowable over the proposed

combination of references, Applicants respectfully submit that claims 27, 28, 57, and 58 that depend therefrom are also allowable, for at least the same reasons. Accordingly, Applicants respectfully request that the rejection of claims 27, 28, 57, and 58 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

#### **VIII. The Proposed Combination Of Hoppal, Kudo, Haoui, Newton's, Bergman, And Drynan Does Not Render Claim 29 Unpatentable**

Claim 29 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hoppal, Kudo, Haoui, Newton's, Bergman, in view of Drynan. Applicants respectfully submit that claim 29 depends indirectly from independent claims 22. Applicants respectfully submit that claim 22 is allowable over the cited art, in that the Office has not asserted that the Bergman and Drynan references, taken alone or in combination remedy the shortcomings of proposed combination of Hoppal, Kudo, Haoui, and Newton's demonstrated above. Because claim 22 is allowable over the proposed combination of references, Applicants respectfully submit that claim 29 that depends therefrom is also allowable, for at least the same reasons. Accordingly, Applicants respectfully request that the rejection of claim 29 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

#### **IX. The Proposed Combination Of Hoppal, Kudo, Haoui, Newton's, And Averbuch Does Not Render Claims 34, 35, 63, And 64 Unpatentable**

Claims 34, 35, 63, and 64 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hoppal, Kudo, Haoui, and Newton's, in view of Averbuch. Applicants respectfully traverse the rejection. Applicants respectfully submit that claims 34 and 35 and claims 63 and 64 depend directly or indirectly from independent claims 22 and 54, respectively. Applicants respectfully submit that claims 22 and 54 are allowable over the cited art, in that the Office has failed to assert that any teachings of Averbuch remedy the shortcomings of the proposed combination of Hoppal, Kudo, Haoui, Newton's demonstrated above. Because claims 22 and 54 are allowable over the

proposed combination of references, Applicants respectfully submit that claims 34, 35, 63, and 64 that depend therefrom are also allowable, for at least the same reasons. Accordingly, Applicants respectfully request that the rejection of claims 34, 35, 63, and 64 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

**X. The Proposed Combination Of Hoppal, Kudo, Haoui, Newton's, And Smith Does Not Render Claims 33, 46, And, 62 Unpatentable**

Claims 33, 46, and 62 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hoppal, Kudo, Haoui, and Newton's, in view of Smith. Applicants respectfully traverse the rejection. Applicants respectfully submit that claims 33, 46, and 62 depend from independent claims 22, 45, and 54, respectively. Applicants respectfully submit that claims 22, 45, and 54 are allowable over the cited art, in that the Office has not asserted that Smith remedies the shortcomings of the proposed combination of Hoppal, Kudo, Haoui, Newton's demonstrated above. Because claims 22, 45, and 54 are allowable over the proposed combination of references, Applicants respectfully submit that claims 33, 46, and 62 that depend therefrom are also allowable, for at least the same reasons. Accordingly, Applicants respectfully request that the rejection of claims 33, 46, and 62 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

**XI. The Proposed Combination Of Hoppal, Kudo, Haoui, Newton's, And Stein Does Not Render Claims 37-39, 51-53, And 66-68 Unpatentable**

Claims 37-39, 51-53, and 66-68 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hoppal, Kudo, Haoui, and Newton's, in view of Stein. Applicants respectfully traverse the rejection. Applicants respectfully submit that claims 37-39, 51-53, and 66-68 depend directly or indirectly from independent claims 22, 45, and 54, respectively. Applicants respectfully submit that claims 22, 45, and 54 are allowable over the cited art, in that the Office has not asserted that Stein remedies the shortcomings of Hoppal, Kudo, Haoui, and Newton's demonstrated above. Because

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claims 22, 45, and 54 are allowable over the proposed combination of references, Applicants respectfully submit that claims 37-39, 51-53, and 66-68 that depend therefrom are also allowable, for at least the same reasons. Accordingly, Applicants respectfully request that the rejection of claims 37-39, 51-53, and 66-68 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

## **XII. The Proposed Combination Of Hoppal, Kudo, Haoui, Newton's, And Li Does Not Render Claims 74-79 Unpatentable**

Claims 74-79 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hoppal, Kudo, Haoui, and Newton's, in view of Li. Applicants respectfully traverse the rejection. Applicants respectfully submit that claims 22, 45, and 54 are allowable over the cited art, for at least the reason that the Office has not asserted that Li remedies the shortcomings of Hoppal, Kudo, Haoui, and Newton's demonstrated above. Because claims 22, 45, and 54 are allowable over the proposed combination of references, Applicants respectfully submit that claims 74 and 77, 75 and 78, and 76 and 79 that depend, respectively, therefrom are also allowable, for at least the same reasons. Therefore, for at least the reasons set forth above, Applicants respectfully submits that the Office has not established a *prima facie* case of obviousness with respect to claims 77-79, that claims 77-79 are allowable over the cited art, and respectfully request that the rejection of claims 74-79 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

### **Newly Added Claims**

Claims 89-91 have been added. Claims 89, 90, and 91 depend, respectively, from independent claims 22, 45, and 54. The subject matter of claims 89, 90, and 91 was deleted from claims 22, 45, and 54. Therefore, Applicants respectfully submit that dependent claims 89-91 do not add new matter.

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## Conclusion

In general, the Office Action makes various statements regarding the claims and the cited references that are now moot in light of the above. Thus, Applicants will not address such statements at the present time. However, Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim).

Applicants respectfully submit that the claims of the present application should be in condition for allowance for at least the reasons discussed above. Allowance of claims 22-39, 41-68, and 70-79, 81, 83, 85, and 89-91 is respectfully requested. If the Examiner has any questions or Applicants can be of any assistance, the Examiner is invited to contact the undersigned.

The Commissioner is hereby authorized to any fees required by this submission, or to credit any overpayment, to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Respectfully submitted,

Dated: May 4, 2011  
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